

FIRST REGULAR SESSION

SENATE BILL NO. 376

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS,

Read 1st time January 29, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0782S.021

AN ACT

To repeal section 447.543, RSMo 2000, relating to fire safety, and to enact in lieu thereof seven new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 447.543, RSMo 2000, is repealed and seven new sections enacted in lieu thereof, to be known as sections 320.330, 320.333, 320.336, 320.339, 320.342, 320.345 and 447.543, to read as follows:

320.330. 1. The "Fire Safety Fund" is hereby established within the division of fire safety. The fund shall consist of all moneys transferred from the abandoned fund account pursuant to section 447.543, RSMo.

2. The fund shall be administered by the division of fire safety. Upon appropriation, money in the fund shall be used solely for the purposes contained in sections 320.330 to 320.345. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

3. Every fiscal year, twenty percent of the fire safety fund shall be utilized for statewide fire safety programs and the balance of the fund shall be used for fire safety grants.

320.333. 1. The division of fire safety shall establish a fire safety grant program and a statewide fire safety program as provided pursuant to this section which shall be funded by the fire safety fund pursuant to section 320.330.

2. The fire safety grant program shall provide grants for financial assistance to

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

fire departments with less than ten thousand dollars in revenue per year, fire protection districts with less than ten thousand dollars in revenue per year or any volunteer fire protection association serving a population of less than ten thousand.

3. The division of fire safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies.

4. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

5. The division of fire safety shall consider the following when administering the fire safety grant program:

(1) The purpose of the grant requested by the fire department, fire protection district or volunteer fire protection association;

(2) The urgency and importance of such grant to a department, district or association;

(3) The financial resources of the fire department, fire protection district or volunteer fire protection association.

6. All grant determinations made by the division of fire safety shall be final.

7. The grants may be made to supplement funds from loan proceeds or other private or public sources. Grants may be used to match federal matching grant programs.

320.336. 1. The division of fire safety shall develop and implement a statewide fire safety program to provide fire safety education to fire departments, fire protection districts and volunteer fire protection associations.

2. The statewide fire safety programs shall include but not be limited to the following:

(1) Programs to improve fire departments, fire protection districts or volunteer fire protection associations' insurance ratings;

(2) Local consultants to assist in fire education and training.

320.339. In order to qualify for the fire safety grant program or a statewide fire safety program pursuant to sections 320.330 to 320.345, all fire departments, fire protection districts or volunteer fire protection associations must meet the following requirements:

(1) Comply with the provisions of section 320.271;

(2) Use the most currently adopted fire incident report system when reporting to the state fire marshal's office;

(3) Implement a minimum basic firefighter training approved by the state fire marshal's office; and

(4) Maintain basic firefighter training records for auditing purposes.

320.342. 1. The governing body of any fire protection district, which provides emergency services pursuant to chapter 190, RSMo, or this chapter, to a redevelopment project in a redevelopment area as these terms are defined in section 99.805, RSMo, or the governing body of any municipality, may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such fire protection district or municipality which is subject to taxation pursuant to sections 144.010 to 144.525, RSMo, provided that such sales tax is accompanied by a property tax reduction as described in this section. The tax authorized by this section shall be in addition to any and all other sales taxes provided by law, except that no sales tax imposed pursuant to this section shall take effect unless the governing body of the fire protection district or municipality submits to the voters, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax and reduce property taxes pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

"Shall (insert name of district or municipality) impose a sales tax of (insert amount) for the purpose of providing revenues for the operation of the (insert name of fire protection district or municipality) and shall the total property tax levy on properties in the (insert name of fire protection district or municipality) be reduced annually by an amount equal to one-half of the total amount of sales tax revenue collected from this sales tax in the preceding tax year?

☐ **Yes**

☐ **No"**

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax and the corresponding property tax reduction shall become effective on the first day of January of the year after the passage of the question. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall have no power to impose the sales tax and reduce the property tax as authorized in this section unless and until the governing body of the fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax and reduce the property tax pursuant to this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. In each calendar year in which a sales tax is imposed pursuant to this section, the county collector of revenue for the county in which any such fire protection district or municipality is located shall, with the assistance of the department of revenue,

determine the amount of sales tax collected pursuant to this section. The county collector shall reduce the total property tax in the tax year for which the property taxes are being levied in any area adopting a sales tax pursuant to this section in an amount sufficient to decrease the total property taxes collected by an amount equal to fifty percent of the sales tax revenue collected in the preceding year pursuant to this section. Except that, in the first year in which any sales tax is collected pursuant to this section, the collector shall not reduce the property tax by an amount equal to fifty percent of the total amount of sales tax collected pursuant to this section.

4. All revenue received by a fire protection district or municipality from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or municipality.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the fire protection sales tax trust fund created in section 321.242, RSMo, and shall be administered pursuant to subsections 4 to 6 of section 321.242, RSMo.

320.345. The governing body of any fire protection district, which provides emergency services pursuant to chapter 190, RSMo, or this chapter, to a redevelopment project in a redevelopment area as these terms are defined in section 99.805, RSMo, or the governing body of any municipality, when presented with a petition, signed by at least one-third of the registered voters in the district that voted in the last gubernatorial election, calling for an election to repeal the tax shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (name of district or municipality) repeal the percent fire protection district sales tax now in effect in the (name of fire protection district or municipality)?

☐ Yes

☐ No"

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness incurred pursuant to sections 320.330 to 320.345.

447.543. 1. Every person who has filed a report pursuant to section 447.539 shall pay all moneys to the treasurer and deliver to the treasurer all other abandoned property specified in the report at the time of filing the report, provided the holder may retain from any such moneys the reasonable costs of complying with sections 447.500 to 447.595, which costs shall be approved by

the treasurer. The treasurer shall approve such costs provided such costs are not unreasonable given the facts and circumstances of each case. The holder may recover the total bona fide costs for compliance with sections 447.500 to 447.595. If the owner establishes his or her right to receive the abandoned property to the satisfaction of the holder before such report is filed, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property as required in this subsection, which will no longer be presumed abandoned, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment with the treasurer.

2. The treasurer shall record the name and the last known address of each person appearing from the holders' reports to be entitled to the abandoned funds and cause such funds to be deposited in the special account known as the "Abandoned Fund Account", which is hereby created. The abandoned fund account created by this section shall be the successor account to the abandoned fund account previously in the state treasury and all funds in such accounts on August 13, 1984, shall be transferred to the abandoned fund account created by this section. Records made herein, and open for public inspection pursuant to section 447.560, shall be available for public inspection at all reasonable business hours; except that, the records shall not be subject to public inspection or available for copying, reproduction, or scrutiny by commercial or professional locators of property presumed abandoned who charge any service or finder's fee until ninety days after the names of the people to whom property is owed have been published or officially disclosed. From this account the treasurer shall make prompt payment of claims duly allowed by the treasurer. At any time when the balance of the account exceeds one-twelfth of the previous fiscal year's total disbursement from the abandoned property fund, the treasurer may, and at least once every fiscal year shall, transfer to the general revenue of the state of Missouri the balance of the abandoned fund account which exceeds one-twelfth of the previous fiscal year's total disbursement from the abandoned property fund[, and,]. **The general assembly shall appropriate forty percent of the amount so transferred to the fire safety fund established pursuant to section 320.330, RSMo. In no case shall the amount transferred to the fund exceed six million five hundred dollars.**

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, no other moneys in the fund shall lapse at the end of the biennium. Should any claims be allowed or refunds ordered which reduce the balance to less than one-twenty-fourth of the previous fiscal year's total disbursement from the abandoned property fund, the treasurer shall transfer from the general funds of the state an amount which is sufficient to restore the balance to one-twelfth of the previous fiscal year's total disbursement from the abandoned property fund.